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Media Inquiry: Ars Technica

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Tue, Dec 18, 2018 at 10:47 AM

Cyrus – we are unable to comment on matters under litigation however below is some general information about electronic device searches attributable to a CBP spokesperson.

All travelers arriving to the U.S. are subject to CBP inspection. This inspection may include electronic devices such as computers, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players and any other electronic or digital devices.

Various laws that CBP is charged to enforce authorize searches and detention in accordance with 8 U.S.C. § 1357 and 19 U.S.C. §§ 1499, 1581, 1582. All persons, baggage, and merchandise arriving in, or departing from, the United States are subject to inspection, search and detention. This is because CBP officers must determine the identity and citizenship of all persons seeking entry into the United States, determine the admissibility of foreign nationals, and deter the entry of possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items.

Keeping America safe and enforcing our nation's laws in an increasingly digital world depends on our ability to lawfully examine all materials entering the U.S.

Searches of electronic devices at the border are often integral to a determination of an individual's intentions upon entry and provide additional information relevant to admissibility determinations under immigration laws. They are critical to the detection of evidence relating to terrorism and other national security matters, human and bulk cash smuggling, contraband, and child pornography. They can also reveal information about financial and commercial crimes, such as those relating to copyright, trademark and export control violations.

CBP electronic media searches have resulted in arrests for child pornography, evidence helpful in combating terrorist activity, violations of export controls, convictions for intellectual property rights violations, and visa fraud discoveries.

It is important to note that electronic media is just one piece of additional data examined during a border inspection and used to determine admissibility. The search is intended to complement other forms of information and intelligence commonly used during the inspection and vetting process.

Failure to provide information to assist CBP may result in the detention and/or seizure of the electronic device. All persons, baggage, and merchandise arriving in, or departing from, the U.S. are subject to inspection, search and detention.

In FY16, CBP processed more than 390 million arrivals and performed 23,877 electronic media searches. This equates to CBP performing an electronic search on 0.0061% of arrivals. This is an increase over the FY15 numbers when 4,764 electronic media searches were conducted, accounting for .0012% of arrivals. CBP officers processed 383 million arrivals in FY15.

Over the past few years, CBP has adapted and adjusted our actions to align with current threat information, which is based on intelligence. As the threat landscape changes, so does CBP. Additional CBP officers have been trained on electronic media searches as more travelers than ever before are arriving at U.S. ports of entry with multiple electronics. Despite an increase in electronic media searches during the last fiscal year, it remains that CBP examines the electronic devices of less than one-hundredth of one percent of travelers arriving to the United States.

We are committed to ensuring the rights and privacies of all people while making certain that CBP can take the lawful actions necessary to secure our borders.

Additional information on electronic searches are found in the links below as well as the policy directive.

<https://www.cbp.gov/sites/default/files/documents/inspection-electronic-devices-tearsheet.pdf>

https://www.dhs.gov/sites/default/files/publications/privacy_privacy_issues_border_searches_electronic_devices.pdf

<https://www.cbp.gov/sites/default/files/assets/documents/2018-Jan/CBP-Directive-3340-049A-Border-Search-of-Electronic-Media-Compliant.pdf>

https://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cbp_laptop.pdf

From: Cyrus Farivar <cyrus.farivar@arstechnica.com>

Sent: Tuesday, December 18, 2018 10:41 AM

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